

REMARKS:

Please cancel Claim 3 without prejudice. Upon entry of this Amendment, Claims 4-10 will be pending in the present application. Claims 3, 4, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,631,859 (Schmidt). Claims 7-9 stand rejected under U.S.C. § 103(a) as being unpatentable over Schmidt. Claims 5 and 6 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. § 102(b):

Claims 3, 4, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schmidt. The Examiner states that Schmidt discloses a shower head comprising a connection member, a spherical portion with a plurality of conduits, body member with a plurality of conduits in floor member passing there through, an impulse member with a plurality of outlet conduits arranged in two concentric circles, and a ring member having a conical interior surface. The Applicants respectfully disagree.

The Examiner has stated that Claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Claim 5, as amended, includes the limitations its previous base claim, Claim 3. Accordingly, the Applicants submit that Claim 5, as amended, overcomes the Examiner's objections and is now in condition for allowance. Claims 3, 4, and 10, are herein amended to be dependent upon Claim 5. Accordingly, the Applicants submit that at least because Claims 3, 4, and 10 are dependent upon an allowable base claim, that Claims 3, 4, and 10, as amended, are now in condition for allowance. Therefore, the Applicants respectfully request that Claims 3, 4, and 10, as amended, be allowed.

Rejections Under 35 U.S.C. § 103(a):

Claims 7-9 stand rejected under U.S.C. § 103(a) as being unpatentable over Schmidt.

With respect to Claim 7, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide four longitudinal conduits equidistantly spaced, since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. The Applicants respectfully disagree.

The Examiner has stated that Claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Claim 5, as amended, includes the limitations its previous base claim, Claim 3. Accordingly, the Applicants submit that Claim 5, as amended, overcomes the Examiner's objections and is now in condition for allowance. Claim 7 is herein amended to be dependent upon Claim 5. Accordingly, the Applicants submit that at least because Claim 7 is dependent upon an allowable base claim, that Claim 7, as amended, is now in condition for allowance. Therefore, the Applicants respectfully request that Claim 7, as amended, be allowed.

With respect to Claim 8, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide each outlet with a rectangular cross-sectional area, since such a modification is merely a matter of obvious design choice depending on the type of spray desired from the shower head. The Applicants respectfully disagree.

The Examiner has stated that Claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Claim 5, as amended, includes the limitations its previous base claim, Claim 3. Accordingly, the Applicants submit that Claim 5, as amended, overcomes the Examiner's objections and is now in condition for allowance. Claim 8 is herein amended to be dependent upon Claim 5. Accordingly, the Applicants submit that at least because Claim 8 is dependent upon an allowable base claim, that Claim 8, as amended, is now in condition for allowance. Therefore, the Applicants respectfully request that Claim 8, as amended, be allowed.

With respect to Claim 9, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide the

outlet conduits arranged in 4 concentric circles since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. The Applicants respectfully disagree.

The Examiner has stated that Claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Claim 5, as amended, includes the limitations its previous base claim, Claim 3. Accordingly, the Applicants submit that Claim 5, as amended, overcomes the Examiner's objections and is now in condition for allowance. Claim 9 is herein amended to be dependent upon Claim 5. Accordingly, the Applicants submit that at least because Claim 9 is dependent upon an allowable base claim, that Claim 9, as amended, is now in condition for allowance. Therefore, the Applicants respectfully request that Claim 9, as amended, be allowed.

Claim Objections:

Claims 5 and 6 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is hereby amended by incorporating the limitations of Claim 3 into Claim 5, and thereby making Claim 5 an independent claim. Similarly, Claim 6 is hereby amended by incorporating the limitations of Claim 3 into Claim 6, and thereby making Claim 6 an independent claim. Accordingly, the Applicants submit that Claims 5 and 6, as amended, overcome the Examiner's objections and are now in condition for allowance. Therefore, the Applicants respectfully request that Claims 5 and 6, as amended, be allowed.

CONCLUSION:

No fees are deemed to be necessary; however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayments, to **Deposit Account No. 502806**

Please link this application to Customer No. 38441, so that its status may be accessed via the PAIR System.

Respectfully submitted,

4/2/09
Date

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